

REMARKS

In the outstanding official action, the instant disclosure was objected to because of the noted informalities on pages 2 and 15. In response, and in order to place the instant application in better condition for allowance, the specification is herewith amended to correct the noted informalities.

With regard to the reference to claim numbers within the specification, it is respectfully submitted that this practice is permissible, and in fact serves the interest of clarity by correlating the various claims to their corresponding embodiments as disclosed. While the indication in the Action that such references may be problematical because claims are frequently changed or renumbered, it is respectfully submitted that this is a theoretical and abstract objection not relating to the instant application, where no changes have been made that would render the claim references inaccurate or incorrect. Furthermore, should such changes occur subsequently in the course of prosecution, the specification will be appropriately amended in order to conform to any future changes or renumbering. Accordingly, this objection is respectfully traversed.

In the claims, claims 3-8 were rejected under 35 USC 112 as being indefinite, and under 35 USC 101 for failure to set forth any

steps involved in the process, while claim 13 was deemed to be indefinite due to the recitation of relative terms.

In response, claims 3-8 and 11 are herewith amended in order to more particularly point out and distinctly claim the subject matter regarded as the invention in language employing positive process steps. Additionally, claim 13 has been amended for improved clarity and definiteness by specifically relating the frequency and amplitude of the first magnetic field to that of the two further magnetic fields in a manner which is both clear and definite.

On the merits, claims 1, 2, 6, 7 and 9 were rejected under 35 USC 102(e) as being anticipated by Kraus, with claims 3 and 8 being rejected under 35 USC 103(a) as being unpatentable over Kraus in view of Handy, for the reasons of record. Claims 5 and 10-14 were deemed to contain allowable subject matter, but have not been placed in independent form at the present time pending the final determination of the patentability of the remaining claims, since it is respectfully submitted that independent claim 1, as herewith amended, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied art for the reasons detailed below.

More particularly, claim 1 is herewith amended to more particularly and precisely recite that the step of changing the position in space of the two sub-regions in the target region is done in an nonrotational manner, such as by the described techniques of displacement or reciprocation. In the cited portion of Kraus, on the contrary, it is clearly and repeatedly disclosed that the desired field profile is a relatively uniform field that rotates in a circle, thus producing a rotation of the field distribution and a rotating magnetic field. By amending claim 1 to more clearly and precisely recite that the position in space of the two sub-regions in the target region produced by the magnetic field is accomplished in a nonrotational manner, it is respectfully submitted that the instant invention is clearly distinguished over the reference.

In view of the foregoing amendments and remarks, it is respectfully submitted that the currently-pending claims, as herewith amended, now fully comply with the requirements of Sections 101 and 112, and define an invention that is clearly patentably distinguishable over the cited and applied art.

Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 
Steven R. Biren, Reg. No. 26,531
Attorney
(914) 333-9630